

AMENDED IN ASSEMBLY APRIL 15, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 867

Introduced by Assembly Member Yamada

February 21, 2013

An act to ~~add Section 21418 to~~ *amend Section 21417* of the Public Utilities Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

AB 867, as amended, Yamada. Aeronautics: meteorological towers: ~~database: markings.~~

Existing law, the State Aeronautics Act, governs aeronautics in this state. ~~Existing law authorizes the Department of Transportation to adopt, administer, and enforce rules and regulations for the administration of the act.~~ The act, until January 1, 2018, requires a meteorological tower, as defined, to be marked as prescribed if the tower is located on prime agricultural land, as defined, or is within one mile of prime agricultural land, and erected after January 1, 2013.

This bill would ~~require the department to develop a database of these meteorological towers.~~ *instead apply these marking requirements to a meteorological tower that is located outside the boundaries of an incorporated city, on prime agricultural land, or within one mile of prime agricultural land, and would also require a meteorological tower to be marked with a flashing light, as prescribed. For a meteorological tower erected before January 1, 2013, this bill would require the tower to comply with these marking requirements by January 1, 2015, or when the tower is lowered and then raised for maintenance or other purposes,*

whichever is sooner. For a meteorological tower erected between January 1, 2013, and December 31, 2013, that is located on prime agricultural land or within one mile of prime agricultural land, this bill would require the tower to be marked according to existing requirements and would require the tower to also be marked with a flashing light by January 1, 2015, or when the tower is lowered and then raised for maintenance or other purposes, whichever is sooner. This bill would expand the marking requirements for meteorological towers erected between January 1, 2013, and December 13, 2013, to encompass towers located outside the boundaries of an incorporated city.

Because any violation of the State Aeronautics Act is a crime and the provisions of the bill would be within the act, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21417 of the Public Utilities Code is
2 amended to read:
3 21417. (a) As used in this section, the following terms have
4 the following meanings:
5 (1) “Meteorological instrument” means an instrument for
6 measuring and recording the speed of the wind.
7 (2) “Meteorological tower” means a structure *below 200 feet in*
8 *height and above 50 feet in height*, including all guy wires and
9 accessory facilities, on which a meteorological instrument is
10 mounted for the purposes of documenting whether a site has wind
11 resources sufficient for the operation of a wind turbine generator.
12 (3) “Prime agricultural land” means land that satisfies the
13 requirements of paragraph (1), (2), or (4) of subdivision (c) of
14 Section 51201 of the Government Code.

(b) A meteorological tower ~~below 200 feet in height and above 50 feet in height~~ that is located *outside the boundaries of an incorporated city*, on prime agricultural land, or within one mile of prime agricultural land, ~~and erected after January 1, 2013~~, shall be marked as follows:

(1) The full length of the meteorological tower shall be painted in equal, alternating bands of aviation orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the marked portion of the tower. The bands shall be between 20 and 30 feet in width.

(2) Two or more high visibility spherical marker balls, also called cable balls, that are aviation orange shall be attached to each outside guy wire that is connected to a meteorological tower.

(3) One or more seven-foot high visibility safety sleeves shall be placed at each anchor point and shall extend from the anchor point along each guy wire attached to the anchor point.

~~(e) A light may be affixed to the highest point on a meteorological tower as an additional option for the marking of the meteorological tower.~~

(4) *A flashing light that is visible to the naked eye in clear weather conditions from a distance of 2,000 feet, and also visible at night with night vision equipment, shall be placed at the highest point on the tower.*

(c) *A meteorological tower erected before January 1, 2013, shall comply with the requirements of subdivision (b) by January 1, 2015, or when the tower is lowered and then raised for maintenance or other purposes, whichever is sooner.*

(d) (1) *Except as provided in paragraph (2), a meteorological tower erected between January 1, 2013, and December 31, 2013, that is located on prime agricultural land, or within one mile of prime agricultural land, shall be marked in the manner described in paragraphs (1) to (3), inclusive, of subdivision (b), and a light may be affixed to the highest point on the meteorological tower as an additional option for the marking of the meteorological tower.*

(2) *A meteorological tower erected between January 1, 2013, and December 31, 2013, that is located outside the boundaries of an incorporated city, on prime agricultural land, or within one mile of prime agricultural land, shall be marked in the manner described in paragraphs (1) to (4), inclusive, of subdivision (b) by*

1 *January 1, 2015, or when the tower is lowered and then raised for*
2 *maintenance or other purposes, whichever is sooner.*

3 ~~(d)~~

4 *(e) (1) A local agency may incorporate any requirements of*
5 *this section into any applicable land use permit that the agency*
6 *administers.*

7 *(2) This section shall not be construed to authorize a local*
8 *agency to require a new permit that applies to a meteorological*
9 *tower.*

10 *(3) To the extent that the requirements of this section conflict*
11 *with local permitting requirements, the requirements of this section*
12 *shall supersede those permitting requirements.*

13 ~~(e)~~

14 *(f) This section shall remain in effect only until January 1, 2018,*
15 *and as of that date is repealed, unless a later enacted statute, that*
16 *is enacted before January 1, 2018, deletes or extends that date.*

17 *SEC. 2. No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

26 ~~SECTION 1. Section 21418 is added to the Public Utilities~~
27 ~~Code, to read:~~

28 ~~21418. The department shall develop a database of~~
29 ~~meteorological towers, as defined in Section 21417.~~